EXHIBIT A

Dear Christy,

I am writing regarding Johnson & Johnson, Inc.'s and Ethicon Inc.'s (collectively "Defendants") [insert date responses were served] responses to Plaintiffs' First Request for Admissions in MDL 2327. Defendants' responses repeatedly interpose qualified responses which, in good faith, do not warrant qualification and are replete with extraneous, self-serving statements not necessary to the admission or denial of the requests. Defendants' response to RFA No. 1 is representative of the lot, and states:

REQUEST NO. 1: Admit that you never completed a controlled study involving live women with the actual TVT device (not a prototype) prior to marketing and selling the TVT in the U.S.

RESPONSE: Except as hereinafter expressly admitted, Defendants deny Request No. 1. Defendants admit that they did not complete a randomized controlled trial with the actual TVT device prior to marketing and selling the TVT in the United States, but Ethicon complied with FDA regulations and the 510(k) clearance process.

We believe Defendants' response to the above request and those like it are inappropriate. *See, e.g.*, Responses to RFA Nos. 66, 78 and 79. Virtually every response is denied except as expressly admitted with a qualified answer. Rule 36 provides that where "*good faith requires* that a party qualify an answer or deny only part of a matter," the answer to the request for admission must "*specify the part admitted* and qualify or deny the rest." Fed. R. Civ. P. 36(a)(4). Defendants' responses do not meet the provision permitting "good faith" qualification.

First, "good faith" does not "require" that Defendants add the self-serving statement regarding compliance with FDA regulations and the 510(k) clearance which Defendants were not asked to admit. This type of self-serving statement does not change the admission that Defendants never completed a controlled study involving live women with the TVT device. It is merely gratuitous fodder designed to minimize the impact of the admission. Qualifications are to provide clarity to the genuineness of the issue and not obfuscate or frustrate the references. There is no clarity provided by incorporating self-serving statements.

Second, Defendants do not state specifically what part of the request is true. Instead, they interpose a qualified response, adding their own facts which are materially different from those requested to be admitted. For instance, Defendants' qualified answer inexplicably and without explanation changes the specific terminology used in the request from "controlled study" to "randomized controlled trial" and completely omits the reference to "live women." Defendants do not complain that the original terms used in the request are vague or ambiguous, so there is no justifiable basis for altering or omitting these terms in the response. In short, Defendants should have admitted the assertion without qualification since it is undeniable that Defendants never completed a controlled study involving live women with the TVT device.

In addition, several responses lodge objections to requests but then purport to respond subject to the objections. *See, e.g.*, Responses to RFA Nos. 8, 10, 11, 15 and 17. This is improper. *See Kutner Buick, Inc. v. Crum & Foster Corp.*, 1995 U.S. Dist. LEXIS 12524, at 10-11, 1995 WL 508175 (E.D. Pa. Aug. 24, 1995) ("Defendant cannot have it both ways. Rule 36(a) provides that a matter is admitted unless the responding party denies the matter *or* objects to it. If an objection is made, the rule requires that the responding party shall set forth the reasons for the objection. The rule does not state that a party may also deny the request in case the reviewing court does not accept its reasons for objecting.").

Finally, Defendants assert several objections to various phrases used in the requests even though the context in which the phrases are used is clear and the meaning is well known to your clients. *See, e.g*., Responses to RFA Nos. 15 and 78. As courts have repeatedly held, in responding to requests for admissions parties should exercise reason and common sense to attribute an ordinary definition to the phrase used. *Deakins v. T.S. Pack*, 2012 U.S. Dist. LEXIS 9409, at 88, 2012 WL 242859 (S.D. W. Va. Jan. 25, 2012).

We request that Defendants admit or deny each request in the first set of RFAs with its "good faith" obligations in mind. Please let us know if you would like to further discuss your objections. However, in the absence of any substantive response to these RFAs by Friday, December 30, we will have no choice but to file a motion with the court asking that our RFAs be deemed admitted.